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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,590	10/28/2003	Larry W. Stults	SMART1	5370
25207	7590	09/27/2005	EXAMINER	
POWELL GOLDSTEIN LLP ONE ATLANTIC CENTER FOURTEENTH FLOOR 1201 WEST PEACHTREE STREET NW ATLANTA, GA 30309-3488			GOINS, DAVETTA WOODS	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/695,590

Applicant(s)

STULTS ET AL.

Examiner

Davetta W. Goins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34-137 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-137 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 34-105 and 121-137 are allowed.
2. Claims 115-117 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 106 is rejected under 35 U.S.C. 102(b) as being anticipated by Byon (US Pat. 5,646,612)

In reference to claim 106, Byon discloses the claimed method for monitoring for a safety condition, if the safety condition is detected then transmitting a communication in a first voice to a person in a form perceivable by the person; and transmitting a communication in a second voice to the person in the form perceivable by the person, which is met by a system that monitors the surroundings of a vehicle to prevent a collision (safety condition) and produces a first voice

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signal upon determining that the detected obstacle is a person, and issuing a second voice signal upon detecting that the detected obstacle is an animal (col. 8, lines 1-41).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 106-113 and 118-120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris (US Pat. 6,768,424 B1) in view of Gutta et al. (US Pat. 6,838,994 B2) in view of Byon (612).

In reference to claims 106-108, 110-113, 118-120, Morris discloses the claimed monitoring a safety condition and transmitting a communication in a first voice to a person in a form perceivable by the person, which is met by an environmental condition detector system in which a smoke detector 14 detects smoke of a predetermined level and transmits a “wireless” signal to a module 18; the module 18 activates an audible alarm and/or a periodic audible verbal location circuit 30 including stored digital phrases, such as “Fire Extinguisher” (col. 2, lines 35-61; Figure 1). Gutta discloses the claimed first signal transmitted to a person in a form perceivable by the person; and transmitting a communication in a second signal perceivable by the person, which is met by an alarm system in which an alarm unit 10 will detect an alarm condition and

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after an alarm condition is met, the device will determine whether a person near the unit 10 is asleep (quiescent person). Upon detection that the person is asleep after the alarm condition, the unit 10 will operate a speaker 22 and/or an appliance interface 24 to gradually increase the sound volume of a speaker or to activate other devices that may provide audio or visual signals to assist the person in waking up (Col. 2, lines 34-67; Col. 3, lines 1-34). Byon discloses a system that monitors the surroundings of a vehicle to prevent a collision (safety condition) and produces a first voice signal upon determining that the detected obstacle is a person, and issuing a second voice signal upon detecting that the detected obstacle is an animal (col. 8, lines 1-41). Since Morris discloses a system that detects a safety condition and transmits a voice signal to indicate the detected safety condition, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of using two different signals that will be perceivable by a person, such as increasing the sound of an audio output, as disclosed by Gutta, and further using two separate voice outputs, as disclosed by Byon, with the system of Morris, to ensure that the nearby person is aware of a detected safety condition.

In reference to claim 109, Morris discloses the claimed method of monitoring smoke, which is met by which a smoke detector 14.

7. Claims 114, are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of Gutta et al. in view of Byon as applied to claim 106 above, and further in view of Clauson et al. (US Pat. 5,423,327).

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In reference to claim 114, although Morris does not specifically disclose the claimed voice providing instructions to a person, he does disclose a module 18 that activates an audible alarm and/or a periodic audible verbal location circuit 30 including stored digital phrases, such as "Fire Extinguisher" (col. 2, lines 35-61; Figure 1). Gutta discloses the claimed first signal transmitted "to a person in a form perceivable by the person; and transmitting a communication in a second signal perceivable by the person, which is met by an alarm system in which an alarm unit 10 will detect an alarm condition and after an alarm condition is met, the device will determine whether a person near the unit 10 is asleep (quiescent person). Upon detection that the person is asleep after the alarm condition, the unit 10 will operate a speaker 22 and/or an appliance interface 24 to gradually increase the sound volume of a speaker or to activate other devices that may provide audio or visual signals to assist the person in waking up (Col. 2, lines 34-67; Col. 3, lines 1-34). Byon discloses a system that monitors the surroundings of a vehicle to prevent a collision (safety condition) and produces a first voice signal upon determining that the detected obstacle is a person, and issuing a second voice signal upon detecting that the detected obstacle is an animal (col. 8, lines 1-41). Clauson discloses a method for automatic stimulation for a patient by sensing the patient's condition and then using a recorded voice to wake up the patient. A recording means 64 includes a microphone 65 to allow a message or phrase to be stored and speaker 70 outputs the recorded message used to allow the patient to recover while coming out of anesthesia (quiescent state). The phrase can be "Wake up, Johnny", made by a person with a familiar voice to the patient (col. 5, lines 5-60). Since Morris discloses a system that detects a safety condition and transmits a voice signal to indicate the detected safety condition, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate

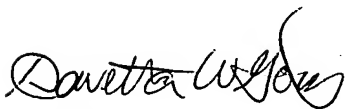
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the teaching of using two different signals that will be perceivable by a person, such as increasing the sound of an audio output, as disclosed by Gutta, and further using two separate voice outputs, as disclosed by Byon, and instructions with the person's name to wake them up, as disclosed by Clauson, with the system of Morris, to ensure that the nearby person is aware of a detected safety condition.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D.W.G.  
September 23, 2005

Davetta W. Goins  
Primary Examiner  
Art Unit 2632